

U.S. District Court – District of Colorado
District of Colorado (Denver)
CIVIL DOCKET FOR CASE #: 1:20-cv-03665-RM-MEH

PerfX Wireline Services, LLC v. DynaEnergetics US, Inc. et al
Assigned to: Judge Raymond P. Moore
Referred to: Magistrate Judge Michael E. Hegarty
Cause: 35:271 Patent Infringement

Date Filed: 12/15/2020
Date Terminated: 09/15/2021
Jury Demand: Defendant
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Plaintiff

XConnect, LLC
formerly doing business as
PerfX Wireline Services, LLC

represented by **Megan J. Redmond**
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Counter Defendant

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Defendant

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Defendant

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Date Filed	#	Docket Text
12/15/2020	<u>1</u>	COMPLAINT for Declaratory Judgment of Patent Non–Infringement against DMC Global, Inc., DynaEnergetics Europe GMBH, DynaEnergetics US, Inc. (Filing fee \$ 402,Receipt Number

		1082-7631589)Attorney Megan J. Redmond added to party PerfX Wireline Services, LLC(pty:pla), filed by PerfX Wireline Services, LLC. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D)(Redmond, Megan) (Entered: 12/15/2020)
12/15/2020	<u>2</u>	CORPORATE DISCLOSURE STATEMENT. (Redmond, Megan) (Entered: 12/15/2020)
12/15/2020	<u>3</u>	SUMMONS REQUEST as to DMC GLOBAL INC. re <u>1</u> Complaint, by Plaintiff PerfX Wireline Services, LLC. (Redmond, Megan) (Entered: 12/15/2020)
12/15/2020	<u>4</u>	SUMMONS REQUEST as to DYNAENERGETICS US, INC., re <u>1</u> Complaint, by Plaintiff PerfX Wireline Services, LLC. (Redmond, Megan) (Entered: 12/15/2020)
12/15/2020	<u>5</u>	SUMMONS REQUEST as to DYNAENERGETICS EUROPE GMBH re <u>1</u> Complaint, by Plaintiff PerfX Wireline Services, LLC. (Redmond, Megan) (Entered: 12/15/2020)
12/15/2020	<u>6</u>	Case assigned to Magistrate Judge Michael E. Hegarty. Text Only Entry (cpomm,) (Entered: 12/15/2020)
12/15/2020	<u>7</u>	Report re Patent/Trademark: Report on the filing of an action emailed (NEF) to the Director of the U.S. Patent and Trademark Office. (cpomm,) (Entered: 12/15/2020)
12/15/2020	<u>8</u>	SUMMONS issued by Clerk. (Attachments: # <u>1</u> Magistrate Judge Consent Form) (cpomm,) (Entered: 12/15/2020)
12/15/2020	<u>10</u>	Minute ORDER by Magistrate Judge Michael E. Hegarty on 15 December 2020. Consent Form due by 2/5/2021. Proposed Scheduling Order due 2/18/2021. Scheduling Conference set for 2/25/2021 10:00 AM in Courtroom A 501 before Magistrate Judge Michael E. Hegarty. (cmadr,) (Entered: 12/16/2020)
12/16/2020	<u>9</u>	Administrative Notice: Duplicate filing fee received. Financial notified and a refund is pending. (Text Only Entry) (jtorr,) (Entered: 12/16/2020)
12/16/2020	<u>11</u>	NOTICE of Entry of Appearance by Caroline Ann Bader on behalf of PerfX Wireline Services, LLCAttorney Caroline Ann Bader added to party PerfX Wireline Services, LLC(pty:pla) (Bader, Caroline) (Entered: 12/16/2020)
01/05/2021	<u>12</u>	SUMMONS Returned Executed by PerfX Wireline Services, LLC. DMC Global, Inc. served on 12/23/2020, answer due 1/13/2021. (Redmond, Megan) (Entered: 01/05/2021)
01/05/2021	<u>13</u>	SUMMONS Returned Executed by PerfX Wireline Services, LLC. DynaEnergetics US, Inc. served on 12/23/2020, answer due 1/13/2021. (Redmond, Megan) (Entered: 01/05/2021)
01/11/2021	<u>14</u>	Unopposed MOTION for Extension of Time to File Answer or Otherwise Respond by Defendants DMC Global, Inc., DynaEnergetics US, Inc.. (Attachments: # <u>1</u> Proposed Order (PDF Only))(Herman, Barry) (Entered: 01/11/2021)
01/12/2021	<u>15</u>	Minute ORDER by Magistrate Judge Michael E. Hegarty on 12 January 2021. For good cause shown, the "Unopposed Motion for Extension of Time to Respond to Complaint" <u>14</u> filed by Defendants DynaEnergetics US, Inc. and DMC Global Inc. is granted. These Defendants shall file an answer or other response to the operative complaint on or before February 12, 2021.(cmadr,) (Entered: 01/12/2021)
02/02/2021	<u>16</u>	NOTICE of Entry of Appearance by Jonathon David Bergman on behalf of All Defendants Attorney Jonathon David Bergman added to party DMC Global, Inc.(pty:dft), Attorney Jonathon David Bergman added to party DynaEnergetics Europe GMBH(pty:dft), Attorney Jonathon David Bergman added to party DynaEnergetics US, Inc.(pty:dft) (Bergman, Jonathon) (Entered: 02/02/2021)

02/02/2021	<u>17</u>	NOTICE of Entry of Appearance by Aditi K. Kulkarni–Knight on behalf of All Defendants Attorney Aditi K. Kulkarni–Knight added to party DMC Global, Inc.(pty:dft), Attorney Aditi K. Kulkarni–Knight added to party DynaEnergetics Europe GMBH(pty:dft), Attorney Aditi K. Kulkarni–Knight added to party DynaEnergetics US, Inc.(pty:dft) (Kulkarni–Knight, Aditi) (Entered: 02/02/2021)
02/05/2021	<u>18</u>	Minute ORDER by Magistrate Judge Michael E. Hegarty on 5 February 2021. At the request of the parties, the Fed. R. Civ. P. 16(b) Scheduling Conference set for February 25, 2021 is vacated and rescheduled for April 1, 2021, at 10:15 a.m. in Courtroom A–501, on the fifth floor of the Alfred A. Arraj United States Courthouse located at 901 19th Street, Denver, Colorado. The parties shall complete and file the Magistrate Judge Consent Form (ECF 8–1) on or before March 12, 2021. Proposed Scheduling Order due 3/25/2021. (cmadr,) (Entered: 02/05/2021)
02/08/2021	<u>19</u>	WAIVER OF SERVICE Returned Executed by PerfX Wireline Services, LLC. DynaEnergetics Europe GMBH waiver sent on 1/11/2021, answer due 3/12/2021. (Redmond, Megan) (Entered: 02/08/2021)
02/12/2021	<u>20</u>	ANSWER to <u>1</u> Complaint, , COUNTERCLAIM against PerfX Wireline Services, LLC by DynaEnergetics Europe GMBH, DynaEnergetics US, Inc.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Bergman, Jonathon) (Entered: 02/12/2021)
02/12/2021	<u>21</u>	CORPORATE DISCLOSURE STATEMENT. (Bergman, Jonathon) (Entered: 02/12/2021)
02/12/2021	<u>22</u>	NOTICE OF CASE ASSOCIATION by Jonathon David Bergman on behalf of DynaEnergetics Europe GMBH, DynaEnergetics US, Inc. (Bergman, Jonathon) (Entered: 02/12/2021)
02/12/2021	<u>23</u>	CORPORATE DISCLOSURE STATEMENT. (Bergman, Jonathon) (Entered: 02/12/2021)
02/12/2021	<u>24</u>	MOTION to Dismiss by Defendant DMC Global, Inc.. (Attachments: # <u>1</u> Exhibit A)(Bergman, Jonathon) (Entered: 02/12/2021)
02/12/2021	<u>25</u>	MOTION to Change Venue by Defendants DMC Global, Inc., DynaEnergetics Europe GMBH, DynaEnergetics US, Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Bergman, Jonathon) (Entered: 02/12/2021)
03/05/2021	<u>26</u>	ANSWER/REPLY to <u>20</u> Answer to Complaint, Counterclaim by PerfX Wireline Services, LLC.(Bader, Caroline) (Entered: 03/05/2021)
03/05/2021	<u>27</u>	RESPONSE to <u>24</u> MOTION to Dismiss filed by Plaintiff PerfX Wireline Services, LLC. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(Bader, Caroline) (Entered: 03/05/2021)
03/05/2021	<u>28</u>	RESPONSE to <u>25</u> MOTION to Change Venue filed by Plaintiff PerfX Wireline Services, LLC. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G)(Redmond, Megan) (Entered: 03/05/2021)
03/12/2021	<u>29</u>	CONSENT to Jurisdiction of Magistrate Judge by Plaintiff PerfX Wireline Services, LLC All parties do not consent.. (Bader, Caroline) (Entered: 03/12/2021)
03/12/2021	<u>30</u>	Minute ORDER by Magistrate Judge Michael E. Hegarty on 12 March 2021. Pursuant to the consent form filed by the parties declining consent under the D.C.Colo.LCivR 40.1(c) (ECF <u>29</u>), the Court directs the Clerk of the Court to reassign this case under D.C.Colo.LCivR 40.1(a). This Court may continue on the case to hear matters referred by the district judge under 28 U.S.C. § 636(b), Fed. R. Civ. P. 72 and D.C.Colo.LCivR 72.1(c). (cmadr,) (Entered: 03/12/2021)
03/12/2021	<u>31</u>	CASE REASSIGNED pursuant to <u>30</u> . All parties do not consent. This case is randomly reassigned to Judge Raymond P. Moore. All future pleadings should be designated as 20–cv–03665–RM. (Text Only Entry) (cmadr,) (Entered: 03/12/2021)

03/15/2021	<u>32</u>	ORDER REFERRING CASE to Magistrate Judge Michael E. Hegarty. Pursuant to 28 U.S.C. § 636(b)(1)(A) and (B) and Fed. R. Civ. P. 72(a) and (b), this case is referred to the assigned United States Magistrate Judge to (1) convene a scheduling conference under Fed. R. Civ. P. 16(b) and enter a scheduling order meeting the requirements of D.C.COLO.LCivR 16.2, (2) conduct such status conferences and issue such orders necessary for compliance with the scheduling order, including amendments or modifications of the scheduling order upon a showing of good cause, (3) hear and determine pretrial matters, including discovery and other non-dispositive motions, (4) conduct a pretrial conference and enter a pretrial order, and (5) conduct hearings, including evidentiary hearings, and submit proposed findings of fact and recommendations for rulings on dispositive motions. Court sponsored alternative dispute resolution is governed by D.C.COLO.LCivR 16.6. On the recommendation or informal request of the magistrate judge or on the request of the parties by motion, this court may direct the parties to engage in an early neutral evaluation, a settlement conference, or another alternative dispute resolution proceeding. By Judge Raymond P. Moore on 3/15/2021. (Text Only Entry) (rmsec) (Entered: 03/15/2021)
03/15/2021	<u>33</u>	MINUTE ORDER: With the assignment of this matter, the parties are advised that throughout this case they are expected to be familiar and comply with not only the Local Rules of this District, but also Judge Raymond P. Moore's Civil Practice Standards, which may be found at: http://www.cod.uscourts.gov/JudicialOfficers/ActiveArticleIIIJudges/HonRaymondPMoore.aspx . SO ORDERED by Judge Raymond P. Moore on 3/15/2021. (Text Only Entry) (rmsec) (Entered: 03/15/2021)
03/19/2021	<u>34</u>	REPLY to Response to <u>24</u> MOTION to Dismiss filed by Defendant DMC Global, Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(Bergman, Jonathon) (Entered: 03/19/2021)
03/19/2021	<u>35</u>	REPLY to Response to <u>25</u> MOTION to Change Venue filed by Defendants DMC Global, Inc., DynaEnergetics Europe GMBH, DynaEnergetics US, Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit B-1, # <u>4</u> Exhibit B-2, # <u>5</u> Exhibit B-3, # <u>6</u> Exhibit B-4, # <u>7</u> Exhibit B-5, # <u>8</u> Exhibit B-6)(Bergman, Jonathon) (Entered: 03/19/2021)
03/25/2021	<u>36</u>	NOTICE of Entry of Appearance by Preston Hamilton Heard on behalf of All Defendants Attorney Preston Hamilton Heard added to party DMC Global, Inc.(pty:dft), Attorney Preston Hamilton Heard added to party DynaEnergetics Europe GMBH(pty:dft), Attorney Preston Hamilton Heard added to party DynaEnergetics US, Inc.(pty:dft) (Heard, Preston) (Entered: 03/25/2021)
03/25/2021	<u>37</u>	Proposed Scheduling Order <i>in a Patent Case</i> by Plaintiff PerfX Wireline Services, LLC. (Bader, Caroline) (Entered: 03/25/2021)
04/01/2021	<u>38</u>	CORUTROOM MINUTES for proceedings held before Magistrate Judge Michael E. Hegarty: Scheduling Conference held on 4/1/2021. FTR: A501. (cthom,) (Entered: 04/01/2021)
04/01/2021	<u>39</u>	SCHEDULING ORDER IN A PATENT CASE by Magistrate Judge Michael E. Hegarty on 1 April 2021. (cmadr,) (Entered: 04/01/2021)
04/02/2021	<u>40</u>	NOTICE of Entry of Appearance by Lisa Jeannine Moyles on behalf of DMC Global, Inc., DynaEnergetics Europe GMBH, DynaEnergetics US, Inc. Attorney Lisa Jeannine Moyles added to party DMC Global, Inc.(pty:dft), Attorney Lisa Jeannine Moyles added to party DynaEnergetics Europe GMBH(pty:dft), Attorney Lisa Jeannine Moyles added to party DynaEnergetics US, Inc.(pty:dft) (Moyles, Lisa) (Entered: 04/02/2021)
04/13/2021	<u>41</u>	MOTION for Protective Order by Plaintiff PerfX Wireline Services, LLC. (Attachments: # <u>1</u> Exhibit Proposed Order, # <u>2</u> Exhibit)(Bader, Caroline) (Entered: 04/13/2021)
04/13/2021	<u>42</u>	MOTION for Protective Order by Defendants DMC Global, Inc., DynaEnergetics Europe GMBH, DynaEnergetics US, Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Bergman, Jonathon) (Entered: 04/13/2021)

04/13/2021	<u>43</u>	MEMORANDUM regarding <u>42</u> MOTION for Protective Order filed by DMC Global, Inc., DynaEnergetics Europe GMBH, DynaEnergetics US, Inc., <u>41</u> MOTION for Protective Order filed by PerfX Wireline Services, LLC. Motions referred to Magistrate Judge Michael E. Hegarty. By Judge Raymond P. Moore on 4/13/2021. (Text Only Entry) (rmsec) (Entered: 04/13/2021)
04/16/2021	<u>44</u>	ORDER. Plaintiff's Motion for Entry of Protective Order [filed April 13, 2021; ECF <u>41</u>] is denied, and Defendants' Motion for Entry of Protective Order [filed April 13, 2021; ECF <u>42</u>] is granted, by Magistrate Judge Michael E. Hegarty on 4/15/2021.(agarc,) (Entered: 04/16/2021)
04/20/2021	<u>45</u>	STIPULATED PROTECTIVE ORDER by Magistrate Judge Michael E. Hegarty on 20 April 2021. (cmadr,) (Entered: 04/20/2021)
04/29/2021	<u>46</u>	TRANSCRIPT of Scheduling Conference held on April 1, 2021 before Magistrate Judge Hegarty. Pages: 1–7. NOTICE – REDACTION OF TRANSCRIPTS: Within seven calendar days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the party's intent to redact personal identifiers from the electronic transcript of the court proceeding. If a Notice of Intent to Redact is not filed within the allotted time, this transcript will be made electronically available after 90 days. Please see the Notice of Electronic Availability of Transcripts document at www.cod.uscourts.gov. Transcript may only be viewed at the court public terminal or purchased through the Court Reporter/Transcriber prior to the 90 day deadline for electronic posting on PACER. (Patterson Transcription Company,) (Entered: 04/29/2021)
06/14/2021	<u>47</u>	MOTION for Leave to <i>File Its First Amended 1</i> Complaint, by Plaintiff PerfX Wireline Services, LLC. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Exhibit 2, # <u>10</u> Exhibit 3, # <u>11</u> Exhibit 4)(Redmond, Megan) (Entered: 06/14/2021)
07/06/2021	<u>48</u>	BRIEF in Opposition to <u>47</u> MOTION for Leave to <i>File Its First Amended 1</i> Complaint, filed by Defendants DMC Global, Inc., DynaEnergetics Europe GMBH, DynaEnergetics US, Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Bergman, Jonathon) (Entered: 07/06/2021)
07/20/2021	<u>49</u>	REPLY to Response to <u>47</u> MOTION for Leave to <i>File Its First Amended 1</i> Complaint, <i>Under Rule 15</i> filed by Plaintiff PerfX Wireline Services, LLC. (Bader, Caroline) (Entered: 07/20/2021)
08/18/2021	<u>50</u>	Unopposed MOTION to Change Plaintiff PerfX Wireline Services, LLC's Name by Plaintiff PerfX Wireline Services, LLC (Redmond, Megan) (Modified on 8/18/2021 (edited the text to reflect that it is a motion)(evana,). (Entered: 08/18/2021)
08/18/2021	<u>51</u>	ORDER: After considering the unopposed motion to change the name of the Plaintiff in the caption, and being otherwise fully advised, the motion <u>50</u> is GRANTED. It is therefore ORDERED that (1) the Clerk shall modify the record to reflect Plaintiff's name as "XConnect, LLC" and (2) all future filings with the court shall reflect Plaintiffs new name. SO ORDERED by Judge Raymond P. Moore on 8/18/2021. (Text Only Entry)(rmsec) (Entered: 08/18/2021)
09/15/2021	<u>52</u>	ORDER That Defendants' Motion to Transfer (ECF No. <u>25</u>) is GRANTED; and That, pursuant to 28 U.S.C. § 1404(a), this action shall be transferred to the United States District Court for the Western District of Texas where four related actions are proceeding before Judge Alan D. Albright, by Judge Raymond P. Moore on 9/15/2021.(evana,) (Entered: 09/15/2021)